

Amendments to the Drawings

Please replace Figs. 1-4, contained in drawing sheets 1-3 with the attached replacement figures.

REMARKS

Claims 1-28 were previously pending in this application. By this amendment, Applicant is amending claims 1, 13 and 23 and adding new claims 29-35. In addition, claims 19-22, 24 and 25 are being canceled without disclaimer or prejudice. As a result, claims 1-18, 23 and 26-35 are pending for examination with claims 1, 23, 26 and 28 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance. Applicant notes with appreciation that the Examiner has indicated claim 5 to contain allowable subject matter.

Objections to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. 1.121(d). Applicant has enclosed new Formal drawings to replace the drawings previously accompanying this application. The replacement drawings, Figures 1-4, are in compliance with 37 C.F.R. 1.121(d). Accordingly, approval and entry of the replacement figures is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-3, 8-15, 23 and 26-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by UK Patent Application 2 258 102 A (hereinafter Whitby). Applicant has amended independent claims 1, 23, 26 and 28 to overcome this rejection.

Whitby is directed to a radio receiver for receiving broadcast programming. The radio receiver includes a random access memory for recording the program signal, in digital form, and a controller that allows a user to play back the program signal stored in the memory.

Applicant's independent claims 1 and 26, as amended, recite in relevant part "wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device, said RAM being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM." This element is neither disclosed nor suggested by Whitby because Whitby makes no mention at all of the rate of playback of audio inputs from RAM being different to the rate at which the audio inputs are received at the device. Accordingly, Applicant's claims 1 and 26, as amended, patentably distinguish over Whitby and withdrawal of the rejection of claims 1 and 26 is respectfully requested.

Applicant's independent claim 23, as amended, recites in relevant part "controlling a rate at which said RAM is read out to apply audio inputs to said device, said rate being different than an input rate at which said audio inputs are received to be stored in said RAM." As discussed above, Whitby is silent with respect to a rate of reception being different to a rate of playback of the audio inputs from RAM. Therefore, Whitby does not anticipate Applicant's independent claim 23, as amended, because Whitby fails to disclose or suggest at least one element recited in Applicant's claim. Accordingly, withdrawal of the rejection of claim 23 is respectfully requested.

Similarly, Applicant's independent claim 28, as amended, recites in relevant part "wherein the rate at which said RAM is read out is different than an input rate at which said audio inputs are received to be stored." As discussed above, Whitby does not disclose or suggest this element and therefore fails to anticipate Applicant's claim 28, as amended. Accordingly, withdrawal of the rejection of claim 28 is respectfully requested.

Each of dependent claims 2, 3, 8-15 and 27 depends from one of independent claims 1, 23 and 26 and is therefore allowable for at least the same reasons as discussed for its respective base claim. Accordingly, withdrawal of the rejection of claims 2, 3, 8-15 and 27 is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitby in view of Maeda (JP 409083973A). Applicant respectfully traverses this rejection. Claim 4 depends from claim 1 and therefore includes all the limitations recited in claim 1. As discussed above, Whitby fails to disclose or suggest at least one limitation recited in claim 1. Maeda fails to cure the deficiencies of Whitby because Maeda also fails to disclose or suggest "wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device, said RAM being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM," as is recited in Applicant's claim 1, as amended. Applicant does not agree that the combination of Maeda and Whitby suggested in the Office Action is proper. However, whether taken alone or in combination, Whitby and Maeda do not disclose each and every limitation recited in Applicant's claim 1, as amended. Therefore, even in combination, Whitby and Maeda

fail to render Applicant's claim 4 (dependent on claim 1) unpatentable. Accordingly, withdrawal of the rejection of claim 4 is respectfully requested.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitby in view of Oftedahl (US 6,449,768). Applicant respectfully traverses this rejection. Claims 6 and 7 depend from claim 1 and therefore include all the limitations recited in claim 1. As discussed above, Whitby fails to disclose or suggest at least one limitation recited in claim 1. Oftedahl fails to cure the deficiencies of Whitby because Oftedahl also fails to disclose or suggest "wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device, said RAM being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM," as is recited in Applicant's claim 1, as amended. Applicant does not agree that the combination of Whitby and Oftedahl suggested in the Office Action is proper. However, even if one were to combine Whitby and Oftedahl, the combination fails to disclose each and every limitation recited in Applicant's claim 1, as amended. Therefore, even in combination, Whitby and Oftedahl fail to render Applicant's claims 6 and 7 (dependent on claim 1) unpatentable. Accordingly, withdrawal of the rejection of claims 6 and 7 is respectfully requested.

Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitby in view of Terui (US 5,903,871). Applicant respectfully traverses this rejection.

Terui is directed to a voice recording and/or reproducing apparatus. Terui discloses that the device can include a voice recording button REC for starting the voice recording; a stop button STOP for stopping the voice recording, reproducing or the like; a playing button PLAY for starting the voice reproducing; a fast returning button REW for returning the position of the voice recording or reproducing; and a fast forwarding button FF for fast forwarding the position of the voice recording or reproducing. In addition, according to Terui, the device can also include a voice actuated recording mode setting switch VCVA for recording only a voice portion to the recording medium by eliminating an non-voice portion, and a hold mode setting switch HOLD for preventing the buttons from being erroneously operated when no operation is necessary (col. 9, lines 47-60).

Applicant does not agree that the suggested combination of Whitby and Terui is proper, specifically in view of the fact that Whitby is directed to a radio transceiver whereas Terui is

directed to a voice recorder, such as a dictaphone. However, even taken in combination, Whitby and Terui fail to disclose or suggest all the limitations recited in Applicant's claims. In particular, Applicant's claim 1, as amended, recites in relevant part "the audio reproduced by said device being selectively delayed from incoming audio inputs by a time dependent on where in said RAM said control begins the applying of audio inputs to said device," and "wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device, said RAM being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM." As discussed above, Whitby does not disclose or suggest this latter limitation. Terui does disclose that audio stored on the voice recording apparatus may be "fast forwarded" or "rewound," but does not disclose or suggest that audio can be received at one rate, stored as it is received and played out at a rate different to the rate at which it is being received, without disrupting the reception, as is specified by Applicant's claim. Thus, even if the asserted combination is proper, which Applicant does not agree to, Terui does not cure the deficiencies of Whitby and the proposed combination does not render Applicant's claims unpatentable.

In addition, with regard to claim 18, Applicant disputes the Examiner's taking of Official Notice that "slowing down playback is a well known feature in the art" and also particularly, disputes that "said RAM being read out to apply inputs to said device at a slower rate than audio inputs are received to be stored in said RAM at any time RAM is not storing at least said selected duration of audio inputs" is well known. Applicant respectfully requests that if the Examiner wishes to maintain this rejection, the Examiner provide a prior art reference disclosing the above to show that such features are in fact known in the art. Otherwise, Applicant respectfully requests that the Examiner withdraw this rejection.

In view of the foregoing, the prior art of record does not anticipate nor render obvious Applicant's claims 15-18 and accordingly, withdrawal of the rejection of claims 15-18 is respectfully requested.

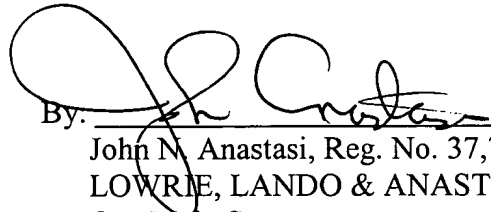
Claims 19-22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitby in view of Alpine (JP 11234154). Claims 19-22, 24 and 25 have been canceled. Therefore, this rejection is now moot.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
Kenneth P. Weiss, Applicant

By: 
John N. Anastasi, Reg. No. 37,765
LOWRIE, LANDO & ANASTASI, LLP
One Main Street
Cambridge, Massachusetts 02142
United States of America
Telephone: 617-395-7000
Facsimile: 617-395-7070

Date: July 25, 2005